

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

DENNIS CAIL,

)

Plaintiff,

)

v.

)

RSM US LLP, f/k/a McGLADREY, LLP,

)

Defendant.

)

Civil Action No. 3:18-CV-0858-C

**ORDER**

Before the Court are: (1) Defendant's Partial Motion to Dismiss Hostile Work Environment Claims (Count Three) in Plaintiff's Original Complaint, filed June 8, 2018; (2) Plaintiff's Response to Defendant's Partial Motion to Dismiss, filed July 2, 2018; and (3) Defendant's Reply in Support of Partial Motion to Dismiss, filed July 16, 2018.

The Court notes that Plaintiff's Response is untimely because it was filed more than twenty-one (21) days after the motion and no extension of the response deadline was requested. L.R. 7.1(e). The Court further notes that Defendant's Reply was filed without leave.<sup>1</sup> The Court will consider both filings in the interest of justice, but counsel are cautioned that they should strictly comply with all federal and local rules in the future.

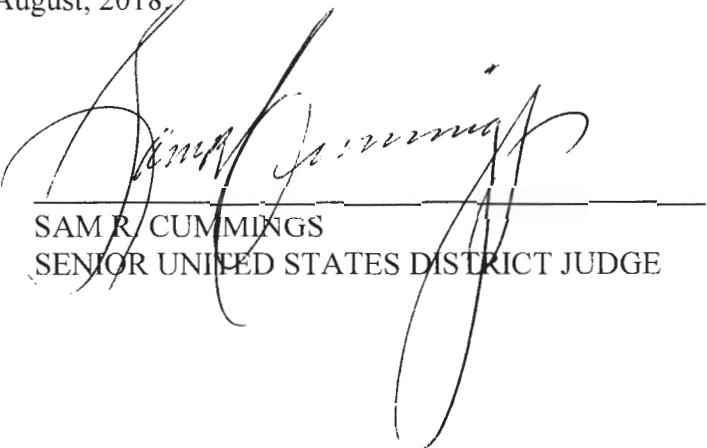
Having considered the foregoing, the Court is of the opinion that Plaintiff's claims for Hostile Work Environment under Title VII and the Texas Labor Code are time-barred and, alternatively, insufficiently pleaded for the reasons set forth in Defendant's Motion and Reply.

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<sup>1</sup>“The Court will entertain only motions and responses but no replies unless otherwise ordered.” Judge Specific Requirements for Senior District Judge Sam R. Cummings II.B (available at [www.txnd.uscourts.gov/judge/senior-district-judge-sam-cummings](http://www.txnd.uscourts.gov/judge/senior-district-judge-sam-cummings)).

Accordingly, Defendant's Partial Motion to Dismiss is **GRANTED** and Plaintiff's claims for Hostile Work Environment are **DISMISSED WITH PREJUDICE**. No leave to amend is granted because any amendment would be futile in light of Plaintiff's failure to exhaust his administrative remedies with respect to these claims.

SO ORDERED this 28 <sup>th</sup> day of August, 2018,



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SAM R. CUMMINGS  
SENIOR UNITED STATES DISTRICT JUDGE